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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/334,354	06/16/1999	JUNJI TAJIME	P/2054-107	5240

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EXAMINER	
LEE, RICHARD J	

ART UNIT	PAPER NUMBER
2613	22

DATE MAILED: 03/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/334,354	TAJIME ET AL.	
	Examiner	Art Unit	
	Richard Lee	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 December 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *20*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. The applicants are informed that the European Search Report as cited on the IDS filed August 21, 2003 has not been considered since a search report is not a publication. A line has been drawn through the citation on the IDS filed August 21, 2003 accordingly (see attachment).

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-14 and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohira et al of record (6,208,689) for the same reasons as set forth in paragraph (3) of the last Office Action (see Paper no. 19).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohira et al as applied to claims 1-14 and 16-18 in the above paragraph (3), and further in view of Nakajima et al of record (6,243,421) for the same reasons as set forth in paragraph (4) of the last Office Action (see Paper no. 19).

6. Regarding the applicants' arguments at pages 3-6 of the amendment filed December 24, 2003 concerning in general that "... The present invention utilizes the number of bits of a

memory access unit, i.e., the memory bus width accessing the memory, whereas the cited Ohira reference is an operation relating to the compression rate for compressing the image data ... Ohira states that the compression rate is decided with the storage capacity and the image size ... This means that the image data is stored in a predetermined storage capacity on a frame basis ... Applicants further disagree that the number of bits of the memory access unit is included in the concept of storage capacity ... In a case where the teaching of Ohira is used, the compression data rate is not altered, even though the memory having a different data bus width is employed. On the other hand, where the claimed invention is used, when the memory having a different data bus is employed, the data compression rate is altered ... in the present invention, not only the storage capacity and the size of the image affect the compression rate but also the number of bits of a memory access unit specific to the memory ... Each of the claims of the present invention requires that bit allocation control occurs as a function of the number of bits in a memory access unit ... Nothing in Ohira suggests that the memory access unit (memory bus width accessing memory) is taken into account as explicitly recited in Applicants' claim ...", the Examiner respectfully disagrees. The applicants' attention are directed again to column 13, lines 26-32 of Ohira et al wherein Ohira et al teaches that the "compression rate judging section 106 judges a rate of the decoded data 151 to be compressed and stored in the frame memory based upon the size of the image in connection with the storage capacity of the frame memory. The compression rate judging section 106 selects a compression mode from among a plurality of compression modes based upon the rate of compression." and to column 14, lines 8-28 of Ohira et al for teachings of the compression rate judging section providing the rate of compression in connection with the storage capacity of the frame memory 103, with the expression T x U x r/lm

<= Z, with Z being the number of bits within memory 103 and lm being the rate of compression, and "the respective predictive/display frame memory areas 310a, 310b, 311 of **the predictive/display frame memory 103 having Z bits for the storage capacity**". From these passages of Ohira, it is clear and evident that bits of data are allocated to a memory access unit of memory 103 and that by selecting a compression mode from among a plurality of compression modes based upon the rate of compression, which rate of compression is based in connection with the number of bits within memory 103, the compression rate judging section of Ohira et al thereby provides the same bit allocation control in relation to the number of bits of a memory access unit of the memory as claimed.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any response to this final action should be mailed to:

Box AF
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications; please mark "EXPEDITED PROCEDURE") (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (703) 308-6612. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m, with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group customer service whose telephone number is (703) 306-0377.

RICHARD LEE
PRIMARY EXAMINER

Richard Lee/rl

2/24/04